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From: Janette Brimmer
Sent: Mon 10/24/2016 6:35:16 PM
Subject: RE: Counsel: proposed draft joint case management document...
DENVER-#554949-v4-Upper Mo draft redline of joint submission on schedule jb edit.docx

I have attached a very slightly revised version of what Dan sent this morning. I conform the reference to "parties" I delete a word "featured" and I add the proposal from Defendant-Intervenors regarding words limits for plaintiffs (as that was not included in Dan's version). Please react to this one and I will be happy to be the one doing the filing, but I must have people's response not later than 2 p.m. today to ensure it can get filed before I leave the office a little after 4 (all pacific time). Thank you.

Janette Brimmer

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From: Pinkston, Daniel (ENRD) [mailto:Daniel.Pinkston@usdoj.gov]

Sent: Monday, October 24, 2016 11:16 AM

To: Janette Brimmer; Katherine O'Brien; 'Albert F. Ettinger (ettinger.albert@gmail.com)'; Stephanie Tsosie; Schroer, Lee; Perkins, Erin; Laidlaw, Tina; Zomer, Jessica; Cathy Laughner; 'Mark Stermitz'; Jeff J. Oven; 'kmoser2@mt.gov'; 'Bond, Sarah (SBond@mt.gov)'; 'mwarhank@jmgm.com'; 'fredric.andes@btlaw.com'; 'pdrucker@btlaw.com'; 'jfortney@btlaw.com'; Chad Adams; Jennifer Chavez

Subject: Counsel: proposed draft joint case management document...

Attached is my draft joint case management document. As you will see, there are a few revisions from the various drafts I received from other parties. Please read this version carefully to be sure you see all changes I made. The structure of this document is to present the timeline and word count plaintiff and EPA agree to. I represented that Montana agreed as well – if not, let me know and we can change that. It then includes a separate statement from intervenors on separate briefing and word counts. I deleted the footnote plaintiff inserted about the alignment of parties in the interests of getting something to the court in a form we could agree on; if Treasure State, League, and/or NACWA file something on separate briefing with the court, plaintiff can make its counter arguments (or if plaintiff just wants to file something on that topic).

I took out the requirement that EPA file a hard copy of the AR with the court by 12/2 – with the idea that we would find out how the court wants to handle that filing. I also made it clear that EPA and intervenors were reserving their right to oppose any motions to amend the complaint.

Please review at your earliest convenience and let me know what you think. I am waiting for a final sign-off on this from Region 8, but let's use this draft. Sorry for the delay in getting this to everyone. This document is intended to preserve everyone's positions, so please err on the side of us getting something to the court ASAP. Thank to everyone for their help on this.

Dan Pinkston

303-844-1804